



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 8087-99
20 April 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 26 September 1975 and reported for initial training that same day. On 20 February 1976 you received nonjudicial punishment for an unauthorized absence of about 11 days. The punishment imposed included forfeitures of pay and a reduction in rate from FA (E-2) to FR (E-1). You were released from active duty on 24 February 1976 with your service characterized as honorable.

At the time of your enlistment you acknowledged that you were required to affiliate with a reserve unit and participate for several years. The record shows that after your release from active duty you only attended five reserve drills. Subsequently, you were processed for discharge due to unsatisfactory participation in the Naval Reserve. On 1 October 1976 the discharge authority directed a general discharge. You were so discharged on 17 December 1976.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your contentions that the nonjudicial punishment was improper because you were sick and were not an unauthorized absentee. You have

submitted pages from your medical record which show that during the first few days of your unauthorized absence period, you were seen in the hospital emergency room. The Board found that these factors and contentions were not sufficient to warrant removal of the nonjudicial punishment from your record or recharacterization of your discharge. The Board notes that the medical record entries do not state that you were unfit for duty and there are no entries to show that you were ill during the last part of the unauthorized absence. The Board believed that there was insufficient evidence to support your contention that you were sick and excused from duty. The Board concluded that the nonjudicial punishment should not be removed from your record.

The Board noted that you were required to attend drills but did not do so. Since you were processed for discharge in accordance with applicable regulations, the Board concluded that the general discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director